

REMARKS

The Examiner has rejected claims 1, 12 and 15 as being unpatentable over Kanno et al. in view of Yamagami et al.

Kanno et al. teaches the use of retries in a magnetic drive if a buffer is in one state and no retries if the buffer is in another state. Col. 19, line 44 through col. 20, line 10. The Examiner cites Yamagami et al. for the existence of optical drives.

The present invention uses a less extreme approach than Kanno et al. In the present invention, the maximum number of retries is one value when the buffer is in a first state, but rather than totally abandoning retries when the buffer is in a second state, the number of retries is merely lowered for the second state. See, e.g., Fig. 2.

There is no teaching in Kanno et al. or Yamagami et al. of lowering the number of retries instead of just stopping them in response to the buffer state.

As all of the elements of claims 1, 12 and 15 are not found in the cited references, it is not possible to combine the references to make the present invention.

The Examiner has rejected claim 11 in further view of Takagi et al. As claim 11 depends from claim 1, it is respectfully submitted that this rejection is moot.

A Supplemental Information Disclosure Statement and Form PTO-1449 are also enclosed with this Amendment.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and notification of same is requested.

If any fees are required by this communication, please

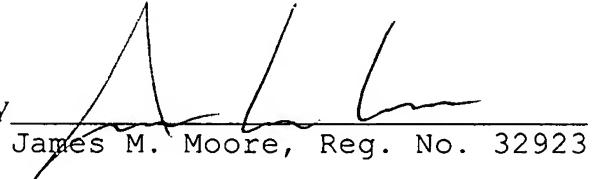
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charge such fees to our Deposit Account No. 16-0820, Order No. 34111.

Respectfully submitted,

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